

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JONATHAN STRICKLAND,

Plaintiff,

v.

Case No. 23-cv-116 KG/KRS

CITY OF LAS CRUCES, *et al.*,

Defendants.

**ORDER TO SHOW CAUSE FOR LACK OF PROSECUTION AND  
FAILURE TO ADHERE TO COURT ORDERS AND LOCAL RULES**

This Order is before the Court *sua sponte*. Trial is set to begin on August 18, 2025, and parties were required to have the trial binders/exhibits in the Court's possession by August 1, 2025. (Doc. 209). On August 1, 2025, the Court timely received Defendants' trial binders/exhibits. As of August 5, 2025, however, the Court has not received Plaintiff's trial binders/exhibits. This is not the first time Plaintiff's counsel has failed to adhere to this Court's orders and local rules.

This action is replete with failures to follow local rules. This Court and Magistrate Judge Sweazea have warned Plaintiff's counsel that there will be consequences for their continued failure to adhere to orders and local rules. *See* (Doc. 60); (Doc. 129) at 3 (stating "though by his repeated violations Plaintiff now teeters his case on a precipice."). Still Plaintiff's counsel continues to disregard Court orders and local rules. While Plaintiff's counsel has provided excuses for their most recent shortcoming, such excuses strain credulity given the history of the case.

Plaintiff's shortcomings have begun to hinder this Court's ability to resolve this case. Currently, Plaintiff's status is uncertain as to his presence at trial. Plaintiff's counsel has done

nothing to guarantee to the Court that Plaintiff will be available at the trial as scheduled or inform the Court of Plaintiff's future availability. There is also no motion to continue, or other signs of movement being made to bring this case to a conclusion. This is a hardship on the Court and on jurors as factfinders without any helpful degree of certainty that their service will be well spent.

IT IS THEREFORE ORDERED that, by tomorrow, August 6, 2025, at 5:00 p.m., **mountain time**, Plaintiff's counsel shall show cause, in a written response, why this case shall not be dismissed for want of prosecution and failure to adhere to Court orders and local rules.

IT IS SO ORDERED.

/s/ \_\_\_\_\_  
KENNETH J. GONZALES<sup>1</sup>  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Please note that this document has been electronically filed. To verify its authenticity, please refer to the Digital File Stamp on the NEF (Notice of Electronic Filing) accompanying this document. Electronically filed documents can be found on the court's PACER public access system.